

CHAPTER 10. RESIDENT RELATIONS

I. INTRODUCTION

A. SCOPE

This chapter establishes responsibilities, and provides guidance for the development of relations between the field activity housing organization and residents of Navy family housing. It is a complete revision and should be reviewed in its entirety.

B. POLICY

1. Residents of Navy family housing will be afforded prompt and courteous service.

2. Residents of Navy family housing will accept resident responsibilities and abide by regulations.

3. Field activities will be responsive to the needs of the residents, without regard to their rank, race, creed, color, religion, national origin, gender, familial status or handicap.

C. REFERENCES

1. SECNAVINST 5211.5D, "Department of the Navy Privacy Act Program"
2. OPNAVINST 1750.1D, "Navy Family Ombudsman Program"
3. Title 10, U.S.C., Section 2775
4. DOD 4165.63-M, "DOD Housing Management"
5. SECNAVINST 11100.7, "Occupants' Responsibility and Liability for Navy and Marine Corps Family and Bachelor Housing"
6. OPNAVINST 11101.44, "Occupant Responsibility and Liability for Navy Family Housing and Bachelor Quarters"
7. OPNAVINST 11101.19 series, "Management of Flag and General Officer Quarters (F&GOQs)"
8. OPNAVINST 11101.13 series, "Assignment and Utilization of Navy-Managed Military Family Housing"
9. United States Navy Regulation, 1973
10. NAVCOMPT Manual, Volume 3, Chapter 3

11. JAGINST 5890.1, "Administration Processing and Consideration of Claims on Behalf of and Against the United States"

12. JAGINST 5800.7C, "Manual of the Judge Advocate General"

D. SUMMARY

This chapter is organized into the four topical areas summarized below:

1. Responsibilities. The responsibilities of the Commander, Naval Facilities Engineering Command (COMNAVFACENGCOM), Engineering Field Divisions (EFDs), Field Activities are defined.

2. Resident Relations. The various resident-related programs, designed to promote an amicable atmosphere among residents and a close relationship between the residents and the housing organization are covered.

3. Resident Responsibilities. Resident responsibilities during occupancy and upon termination of assignment to quarters are defined.

4. Liability. The resident's liability for loss of or damage to government housing property and the government's liability to the residents are discussed.

II. RESPONSIBILITIES

A. COMMANDER NAVAL FACILITIES ENGINEERING COMMAND

COMNAVFACENGCOM establishes policies, obtains resources, and develops guidelines and instructions for implementing resident-related programs and identifying resident responsibilities.

B. ENGINEERING FIELD DIVISIONS

EFDs clarify and promote instructions and guidelines, provide resources, and help implement resident-related programs at field activities within their area of responsibility.

C. FIELD ACTIVITIES

Field activities are responsible for implementing and maintaining resident-related programs. In fulfilling this responsibility, they will:

1. Develop and issue clear and necessary local regulations to govern the conditions of residency.

2. Provide residents with a resident handbook which describes local conditions and expectations.

3. Develop and conduct a resident orientation plan.

4. Develop and maintain an effective means of keeping residents informed.

5. Ensure that all personal information contained in field activity files is maintained in strict accordance with the provisions of the Privacy Act. (SECNAVINST 5211.5D pertains)

6. Ensure that disruptions to the residents as a result of maintenance or repair work are kept to a minimum. When disruptive work cannot be avoided, ensure that residents are kept fully informed.

III. RESIDENT RELATIONS

Resident-related programs promote an amicable atmosphere among residents and a close relationship between residents and the housing organization, enhance the safety and welfare of the resident, provide for community activities, and ensure a common flow of information.

Applicants for, and residents of, Navy family housing can expect the housing organization to treat them in a professional manner at all times and provide them with prompt and courteous service. Additionally, residents of Navy family housing can expect the provision of security and protection and a setting which allows for normal social activities.

A. RESIDENT ORIENTATION PLAN

Field activities are encouraged to develop and implement a resident orientation plan to thoroughly familiarize each resident with the local policies within 30 days of assignment to quarters. The resident orientation plan should incorporate a review of local regulations, an introduction to the local community and the services provided, a familiarization with the self-help program, and a discussion of local procedures and points of contact in the housing organization. Residents should be advised of existing community associations and encouraged to participate. If a resident handbook was not provided at the time of assignment, it should be distributed during orientation. In areas where the wait list for government quarters may be long, prospective residents may be encouraged to attend group orientation meetings to learn about housing policies and resident responsibilities.

B. COMMUNITY ASSOCIATIONS

Community associations provide an excellent forum for the interchange of ideas between residents and the government. These organizations constitute a practical and useful means by which residents can plan, initiate, and participate in community activities. Community associations encourage communication among residents, and may reduce the likelihood of misunderstandings, bickering, and personal or group antagonisms. The housing organization should disseminate information about local community associations so that all residents have the opportunity to participate.

Residents should be encouraged to establish and organize community associations. If requested, the housing organization may provide assistance to residents interested in forming an association.

Membership in the community association may span the entire military family housing inventory or individual housing neighborhoods. The association may act as a general council or be devoted to a specific goal or common pursuit, e.g., a little league. If the organization is to act as a general council, members of an executive board should be selected from each special interest group or club as well as from each housing area or site.

Because community associations provide an important communication channel between the housing authority and residents, the housing organization should maintain an interest in association activities. A housing representative should attend association meetings to be aware of problems, answer questions, and offer any assistance which might be requested.

The formation of community associations is subject to the approval of the installation commander or the housing authority. Guidance on the preparation of a constitution and by-laws for a community association is contained in Appendix F to this manual.

C. USE OF GOVERNMENT FACILITIES BY ORGANIZED GROUPS

Groups must request authorization to use any facilities provided by the Navy. When permission is granted to a resident group to use government facilities, a written understanding or "contract" concerning the nature of the activities permitted should be signed by representatives of both the government and user group. That agreement should define user responsibility for the custody of government space and property; requirement to observe fire, safety, and sanitation regulations; security procedures; and necessary compliance with rules and regulations. Chapter 14 of this manual provides detailed guidance on the use of community support facilities.

D. MEDIATION OF RESIDENT COMPLAINTS

Residents are encouraged to solve problems among themselves as in any neighborhood. The housing organization has the responsibility for mediating resident complaints with the strictest impartiality. Comments implying guilt or responsibility must be avoided until a thorough inquiry has been made.

Complaints requiring an investigation must be made in writing, signed by the complainant, and submitted to the family housing organization. An investigation or inquiry will not be initiated until the complaint and initial information have been received, screened, and evaluated. In instances where more than one resident is involved, the housing representative must understand the positions of each. In cases that cannot be resolved through individual discussions between the housing personnel and individual residents, it may be necessary for all parties involved to meet and discuss the problem. The installation commander should be informed of continued or unusual problems and participate in resolution if necessary. A report of the investigation, results, and action will be maintained during residency and three years thereafter.

The housing authority should terminate the assignment to quarters for residents who are unwilling to resolve problems and who are a continual source of conflict, such as disturbing the peace and harmony of the neighborhood.

E. ENERGY CONSERVATION

The family housing energy conservation program works to reduce the consumption of energy in family housing units through the combined efforts of the residents and the Navy. It is the responsibility of the housing organization to ensure that family housing residents are aware of and implement energy saving measures defined by the field activity. Conservation techniques and resident incentives should be published regularly. Situations that may appear to be contrary to energy conservation policies or practices should be promptly identified and resolved. Additional information concerning energy conservation is contained in chapter 22 of this manual.

F. CIVIL DEFENSE

Civil defense includes emergency measures to protect life and property in case of a natural disaster or enemy attack. Family housing residents must be advised of local policies and instructions concerning civil defense measures and should actively participate in protecting lives and property in case of an emergency. Resident responses to natural disasters, such as earthquakes, hurricanes, and typhoons, must be in agreement with local directives and information provided in the resident handbook. Appendix E of this manual provides guidance for including civil defense and disaster information in the resident handbook.

G. SELF-HELP

Self-help is designed to allow residents to participate in improving living conditions while promoting a greater feeling of pride and home ownership and subsequently reduce maintenance costs. Residents will not be provided materials from the self-help operation to repair damage for which they bear liability or responsibility. The self-help program is explained in detail in chapter 19 of this manual.

H. PUBLICATIONS

Printed materials are an excellent vehicle for transmitting information to residents of government housing. A family housing information bulletin relating items of interest to residents should be developed and distributed on a regular schedule by the field activity family housing organization. Articles in base papers should be considered as well. Residents should be reminded to participate in energy conservation measures and advised of upcoming events and other items of interest. The housing authority is encouraged to publish typical repair costs for damages or unsatisfactory condition so that residents may be aware of costs prior to vacate. Caution should be exercised to ensure that individual rights under the Privacy Act are protected.

I. NAVY OMBUDSMAN PROGRAM

The ombudsman program provides fast communication between Navy families and the Navy. The family ombudsman represents Navy families and serves as a liaison with the Command. Housing Managers should understand the ombudsman program contained in OPNAVINST 1750.1 series and ensure that residents are aware of this resource.

J. OTHER PROGRAMS

Sometimes issues such as alcoholism and child abuse arise in the community. While it is not a family housing responsibility to deal with these issues, housing personnel should be aware of the various programs available to help families. Housing personnel should refer families to appropriate program representatives and alert the housing authority when reasonable grounds for suspecting these problems exist. The following are some programs which provide background and command responsibility for these special issues:

OPNAVINST 5350.48, "Alcohol and Drug Abuse Prevention and Control"

OPNAVINST 1752.2, "Family Advocacy Program (FAP)"

OPNAVINST 1754.1A, "Family Service Center Program"

OPNAVINST 1752.1A (DRAFT) "Sexual Assault Victim Intervention (SAVI) Program"

In addition, housing personnel should be aware of other programs such as:

OPNAVINST 1700.9D, "Child Development Programs"

OPNAVINST 1754.2A "Exceptional Family Member Program (EFMP)."

IV. RESIDENT RESPONSIBILITIES

Each family assigned to Navy housing will be provided with safe, decent, and sanitary living quarters. Residents are responsible for abiding by rules and regulations designed to prevent infringement upon the rights and privileges of others. When they vacate, residents are responsible for ensuring the quarters are returned to the government in the same condition as they were at the time of assignment, except for normal wear and tear. The housing authority may terminate assignment to housing for non-compliance with sanitary condition requirements. The authorities that govern resident responsibilities and liabilities are:

Title 10, U.S.C., 2775; DOD 4156.63-M; SECNAVINST 11100.7; and OPNAVINST 11101.44.

A. RESIDENT MAINTENANCE

Residents are responsible for cleaning and maintaining their assigned quarters and government-owned furnishings. They are expected to perform routine

housekeeping functions, pest control, and minor maintenance and repairs to include the grounds identified with the quarters. The government is responsible for maintenance and repairs beyond the routine or for which artisan or mechanical skills are required. Residents are responsible for promptly reporting major problems and emergencies for maintenance or repair.

1. Resident Responsibilities. Residents of government quarters are responsible for the performance of routine housekeeping tasks normally performed by homeowners or residents in private housing. Typically, residents are expected to:

a. Clean and vacuum window tracks. Clean window coverings. Clean interior surfaces of windows and exterior surfaces readily accessible from the ground or which may be done safely. Exterior windows that cannot be accessed from within or that require more than a 6-foot ladder to reach, should normally be cleaned by the government.

b. Clean interior walls, woodwork, floors, and other surfaces.

c. Clean, wax, and polish furniture.

d. Clean light fixtures, blinds, and government-owned curtains, drapes, and carpets.

e. Clean stoves, ovens, refrigerators, dishwashers, exhaust fans, sinks, tubs, plumbing fixtures, clothes washers and dryers, and other government-owned household equipment.

f. Replace electric light bulbs and fuses, except where specifically identified as a responsibility of the maintenance forces.

g. Provide preventive maintenance, such as cleaning or replacing government-furnished filters on furnaces and air conditioners.

h. Clean carports, garages, storage spaces, porches, lanais, steps, walks, and driveways, to include snow removal.

i. Care for assigned grounds to include water, cut, trim, rake, fertilize, and edge the lawn, shrubs, and plants.

j. Maintain control of pests as outlined in chapter 21 of this manual.

k. Participate with cleaning of common areas in multiple dwelling units.

l. Clean trash cans and trash enclosures.

m. Promptly report any condition deficiencies discovered which may affect habitability and structural integrity of the assigned unit.

n. Allow reasonable access to quarters to facilitate execution of repairs and annual maintenance plans.

o. Clean and prepare unit for termination inspection. Remove decals for termination inspection. (If approved by housing officials, safety decals on sliding glass doors may remain.) Residents are not required to clean areas that are scheduled for major repair or to clean appliances that are scheduled for disposal.

2. Quarters Cleaning Programs (Funded with BP-23). At overseas activities with a quarters cleaning program, resident responsibilities during occupancy are the same as above, but are amended for termination of assignment to quarters. The following are typical resident responsibilities at time of vacate:

a. Remove excessive build-up of dirt, stains, and cobwebs from interior walls, woodwork, and other surfaces. This includes excessive build-up of grease, stains, mildew, crayon marks, mold, ink marks, smudges, or grease. Remove nails and hooks as indicated by moving instructions.

b. Remove dust from window shades and blinds. There is no requirement to clean windows or screens.

c. Sweep or vacuum floors, rugs, and installed carpets to clear area of debris and loose dirt.

d. Clean all government-owned household equipment:

(1) All range surfaces shall be free of excessive oil and grease and burned/crusted-on food.

(2) Refrigerators shall be defrosted and food particles and water removed.

(3) Ranges and refrigerators need not be pulled out to clean the wall.

(4) Dishwashers shall be free of food particles and soap residue.

(5) The inside and outside of washers and dryers, including the lint trays, shall be free of soap, dirt, and lint particles.

e. Clean light fixtures so they are free of dust, bugs, and debris. All light bulbs will be installed and working.

f. Sweep and clear all debris from carports, garages, driveways, patios, lanais, balconies, storage spaces, porches, steps, and walks. Remove oil and/or grease from paved areas.

g. Trim, mow, and restore assigned grounds to good condition. Remove all debris. Restore areas damaged by excess use such as pot holes or areas near swing sets and dog houses.

3. Flag and General Officer Quarters (F&GOQs). As listed in OPNAVINST 11101.19E, residents of F&GOQs will assume the following additional responsibilities:

- a. Be personally familiar with the rules and regulations governing the operations of Navy F&GOQs.
- b. Be personally familiar with the extent to which they order specific services and maintenance work outside the scope of the Chief of Naval Operations (CNO) approved maintenance plan.
- c. Provide written requests to the local housing authority regarding any potential alterations, additions, or improvements outside the scope of the CNO-approved maintenance plan. Limit requests to meet only the most essential official entertainment requirements.
- d. Minimize deviations from maintenance plan.
- e. Regularly report any condition deficiencies discovered which affect habitability and structural integrity of the units.
- f. Allow reasonable access to the quarters to facilitate execution of annual maintenance plans.

B. RESIDENT NOTIFICATIONS

Residents are required to notify the housing office in writing when:

- 1. Absent from quarters longer than 7 days unless otherwise defined by local housing authority. The notification should include date and the length of absence as well as emergency point of contact.
- 2. Entitlement to quarters ceases in accordance with OPNAVINST 11101.13 series. Intent to vacate notices should be provided to the housing office at least 30 days prior to planned vacate date and include:
 - a. The date, name, address, and reason for leaving.
 - b. The date and time the unit will be ready for termination inspection.
 - c. A convenient date and time (within 5 working days of notice) for a pre-termination inspection.
 - d. Resident forwarding address.
 - e. Signature of sponsor or legal representative.

C. RESIDENCY INSPECTIONS

Guidance for residency inspections will clearly reflect, define, and distinguish between government and resident responsibilities. Inspections are

conducted in accordance with the guidelines contained in chapter 18 of this manual.

D. TELEPHONE AND CABLE SERVICES

1. Obtaining telephone and cable service is the responsibility of the resident.
2. Telephone and cable TV re-connection charges for moves required for the convenience of the government (and not associated with a permanent change of station) are paid from Family Housing, Navy (FH,N) account funds.
3. The government maintains telephone lines to the telephone jack and structural wiring in the house.
4. The resident is responsible for the telephone instrument and cord from the receiver to the telephone jack.
5. The government is responsible for maintaining or repairing structural wiring. The resident must coordinate repairs with the housing office prior to work to ensure payment is made with FH,N account funds.

E. INSURANCE

Insurance is not provided by the government for residents personal property. Residents of family housing are strongly urged to obtain comprehensive insurance coverage for their personal property and liability insurance for the unit to which they are assigned.

F. COMMUNITY RESPONSIBILITIES

Residents are responsible for abiding by local rules and regulations designed to prevent infringement upon the rights and privileges of others. Continued or flagrant violations of these rules and regulations may warrant termination of quarters assignment. Specific resident responsibilities include:

1. Sponsors' conduct as well as the actions of their family members and guests.
2. Maintaining total control of pets at all times and complying with all local pet regulations. Entitlement to government quarters does not imply entitlement to pets. Housing authorities may restrict the kinds of pets allowed as well as the number of pets allowed per household.
3. Registering weapons with security and using only in designated areas in compliance with local and US Navy Regulations, 1973, section 1136. Weapons, such as firearms, air guns, BB guns, bows and arrows, spear guns, and highly explosive articles or compounds are prohibited from use in family housing areas.
4. Properly using and caring for community support facilities provided for group activities and individual resident use. Residents and community groups are responsible for any damage caused by negligence or the malicious acts of

their family members and guests. Guidance on the use of community support facilities is contained in chapter 14 of this manual.

5. Reimbursing the government for any unique costs incurred such as the costs for utility usage for such items as resident-owned hot tubs and recharging electric cars. These items are not authorized in government quarters without prior written approval of the housing authority.

6. Obtaining written approval from the housing authority before conducting a private business or soliciting in housing areas. Soliciting to subordinates is prohibited.

G. PRIVATE BUSINESS IN GOVERNMENT QUARTERS

Requests to operate a private commercial enterprise in government housing must be made in writing to the installation commander via the housing authority and approved in advance of starting the operation. All requests to conduct a private business must be carefully evaluated. In no case may government resources (e.g., utilities) be used for individual profit.

1. When reviewing a request, the housing authority will consider:
 - a. Potential government liabilities.
 - b. State and local ordinances and licensing requirements.
 - c. Applicable overseas status of forces agreements.
 - d. Host country business practices, if applicable.
 - e. Competition with the base's officially sanctioned businesses.
 - f. Perspective advertising practices.
 - g. The impact on community tranquillity or safety.
 - h. The impact of any modifications to quarters that may be necessary. Carefully review any plans or drawings submitted with requests.
2. When approving a request the installation commander will:
 - a. Include a provision to recapture all direct and indirect costs to the government. Utility costs are recouped when such collections are cost effective.
 - b. Ensure that any engineering evaluations required and or any modification to the quarters are completed at resident expense and that the government will not incur long-term maintenance problems as a result of approval. Approval must identify whether or not the resident must remove the modification when vacating quarters.
 - c. Define advertising practices and responsibilities.

V. LIABILITY

A. GUIDANCE

Field activities will issue clear and concise written instructions for the proper care and use of government property. Residents will be informed of their responsibility and potential liability at the time of assignment and when specific incidents occur. (OPNAVINST 11101.44 pertains)

B. RESIDENT LIABILITY FOR DAMAGE OR LOSS

1. Proper care and use of the family housing units, furnishings, and surrounding grounds are the responsibility of the assigned residents.

2. Residents shall be liable for the cost of cleaning made necessary by their failure to satisfactorily clean a family housing unit upon termination of assignment. (Title 10, U.S.C., 2775)

3. Residents shall be liable for loss of or damage to government property arising from abuse, negligence, or willful misconduct, including loss or damage caused by their dependents or invited guests. The field activity will take timely and aggressive action to ensure all claims for reimbursement of damages or loss to housing facilities are collected.

a. Establishing and Satisfying Liability for Damage or Loss. Damage or loss will be determined by comparing the existing condition of the unit, furnishings, and surrounding area with the condition noted on the check-in inspection report, with allowance for normal wear and tear. When liability is determined in accordance with OPNAVINST 11101.44, the resident will be responsible for repair, replacement, or correction of damages or losses incurred. The replaced or repaired property must be approved and accepted by the housing office regardless of the method chosen. Options for satisfying liabilities for damages or loss are as follows:

(1) The resident may elect to personally repair or replace property lost or damaged.

(2) The resident may elect to procure the services from local commercial firms.

(3) The resident may pay for the loss or damage by establishing a personally-funded account with the field activity comptroller against which the field activity repair or replacement effort is charged.

b. Scale of Charges for Damages or Loss. The field activity should establish charges for specific damages to, or loss of, items such as window screens, window coverings, window glass, doors, and kitchen appliances. A cost list for typical damage or loss should be posted on the housing office bulletin board or made available to residents through newsletters or handouts.

c. Pay Checkage

(1) Voluntary. The resident may voluntarily consent to pay checkage after loss or damage costs have been established. Assignment to family housing is not a contractual arrangement and is not governed by contract law. Collections for loss or damage from residents (military or civilian) are accomplished voluntarily by negotiations among the housing organization, the commanding officer, and the resident.

(2) Involuntary

(a) The military member's pay may also be garnished for involuntary deductions. Authorizations to garnish pay for involuntary deductions cover the cost of repairs or replacement due to the loss of or damage to family housing, furnishings or equipment and the cost of quarters cleaning when a family housing resident fails to satisfactorily clean the unit upon termination of assignment.

(b) Civilian residency of Navy family housing is on a lease agreement basis. In cases where the resident does not voluntarily pay for damages, pay checkage processing shall be conducted within the guidelines and procedures established by the NAVCOMPT Manual and the JAG. In addition, the Agreement for Civilian Residency of Navy Housing, (NAVFAC Form 8-111-1/10) states in article 4 that the resident authorizes the disbursing officer to check the pay account for any charge that is not paid when due.

C. GOVERNMENT LIABILITY TO RESIDENTS

1. Service personnel and civilian employees of the government may file claims for the loss or damage to personal property while in government quarters. The property claimed must be legal, reasonable, useful, and proper under the circumstances. Claims must be filed with the base legal counsel in accordance with their procedures. Procedures for filing a claim are contained in JAGINST 5800.7

2. The Housing organization will provide assistance to residents who elect to file a claim with the government. Housing should advise the resident how to document the claim. In addition to written statements and reports, it may be necessary to photograph the damage and/or save the damaged property.

3. A claim or account of personal injury shall be presented by the injured person or their duly authorized agent to the local legal office. Claims may be for property damaged or lost by flood, hurricane, or other natural occurrence as well as damage or loss as a result of mechanical defects to the unit.

4. Resident claims are payable in accordance with JAGINST 5800.7. The maximum amount allowable per incident on a claim is \$40,000 in accordance with JAGINST 5890.1.

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